

March 15, 2005

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05-03 WC

Water Council
C/o Dept. of Environmental Services
Water Division
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

**Re: Request to Stay Action in Appeal Proceedings
Administrative Order No. WD 05-03
Wetlands Bureau File 2004-2912
Robert C. Senter / Senter Brothers, Inc., 22 Old Road Rear, Plaistow, NH**

Dear Members of the Water Council,

Seekamp Environmental Consulting, Inc., (SEC) on behalf of Robert C. Senter / Senter Brothers, Inc., owner/operator of the above-referenced site, hereby requests that the Council stay action in the appeal proceedings associated with Administrative Order No. WD 05-03 (Wetlands Bureau File 2004-2912). As stated in both our appeal letter and previous correspondence with the Department of Environmental Services Compliance staff, James L. LaVelle Associates has been retained by Senter Brothers, Inc., to produce an existing conditions plan documenting the limits of clearing, existing structures, temporary and permanent erosion control measures, and stormwater management structures. In addition, SEC is in the process of evaluating available aerial photographs, to determine the historic limits of wetland resources and overall site impacts. The information obtained from both the evaluation of existing (current) site conditions and aerial photographs will then be compared to the plan approved under Site Specific Permit WPS-2984.

As stated in both our appeal letter and February 23, 2005 correspondence to DES, site conditions (specifically, the presence of snow and ice cover) in the time since the Department's issuance of a December 6, 2004 Violation Letter and February 18, 2005 Administrative Order have precluded the completion of site evaluation activities, including wetland delineation and survey work. SEC anticipates that this work will be completed on or before April 15, 2005 (weather-dependent).

In addition to the above, SEC has submitted a Request for Reconsideration to the DES relative to its assessment of wetland impacts and violations, as detailed in Section D of the Administrative Order. SEC intends to work with the Department to resolve the issues outlined in the Administrative Order through the Request for Reconsideration process.

Given the above information, SEC respectfully requests that the Council stay action in the appeal proceedings, until such time as the additional site information can be compiled, and the Department can respond to our Request for Reconsideration.

Please contact the undersigned if you have any questions or require additional information in order to process this request and / or to inform SEC of the anticipated appeal schedule.

Sincerely,

SEEKAMP ENVIRONMENTAL CONSULTING, INC.

COPY


Michael Seekamp, CWS

Principal / Senior Wetland Scientist

Cc: Commissioner, Water Division
Director, Water Council
Arlene Allen, DES Compliance Specialist
Plaistow Conservation Commission
Plaistow Board of Selectmen
Senter Brothers, Inc.